

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:   ADRIAN BUCKLEY, ET. AL.  
For :                    APPARATUS, AND ASSOCIATED METHOD FOR FACILITATING NETWORK  
                             SELECTION BY A MOBILE NODE PURSUANT TO A PACKET DATA  
                             COMMUNICATION SERVICE  
U.S. Serial No.:       10/789,946  
Filed:                  27 FEBRUARY 2004  
Group Art Unit:       2151  
Examiner:             UNKNOWN  
Docket No.:           1578.122

Mail Stop Petition  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION PURSUANT TO 37 C.F.R. 5.25 FOR RETROACTIVE LICENSE**

Dear Sir:

Petition is hereby made for grant of a retroactive license under 35 U.S.C. 184 relating to the above-captioned patent application.

The patent application was filed with the USPTO on February 27, 2004. On the same date, an unlicensed patent application containing substantially identical material was filed with the European Patent Office.

A verified statement of the undersigned practitioner is enclosed under separate title.

The verified statement includes averments that the subject matter in question was not under a secrecy order at the time it was filed abroad and that it is not currently under a secrecy order.

The verified statement further includes averment that the proscribed foreign filing was discovered on 14 November 2006, and this petition is submitted as of the date noted below. Therefore, the requested retroactive license is believed to be diligently sought.

The verified statement still further avers that the material was filed abroad through error and without deceptive intent.

Application No. 10/789,946

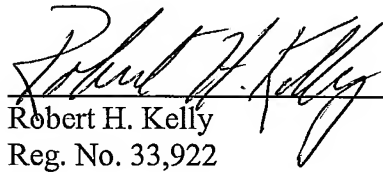
The Commissioner is hereby authorized to debit the deposit account for all fees, including the petition fee required in 37 C.F.R. 1.17 (g), pursuant to this petition.

Consideration, and grant, of this petition is respectfully requested.

Respectfully submitted,

Dated:

19 Dec 06

  
Robert H. Kelly  
Reg. No. 33,922

SCHEEF & STONE, L.L.P.  
5956 Sherry Lane, Suite 1400  
Dallas, Texas 75225  
Telephone: (214) 706-4201  
Fax: (214) 706-4242  
[robert.kelly@scheefandstone.com](mailto:robert.kelly@scheefandstone.com)